(3)

C.S. 100K

HON'BLE S.B.

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

Writ Petition No. 1772 **of 2004**

PETITIONER : Sayed Sazid Ali, S/o. Sabab Ali
Aged about 18 years, R/o. Jhalmala
Tahsil and District Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. The Secretary
Board of Secondary Education
Raipur (C.G.)

2. The State of Chhattisgarh
Through Secretary School Education
D.K.S. Bhawan, Raipur (C.G.)

P.R. No. 1772/04
Presented by Shri S. Telesinandan
dated 26-6-04

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA , FOR ISSUANCE OF SUITABLE DIRECTIONS, ORDERS OR WRITS INCLUDING WRITS IN THE NATURE OF CERTIORARI, MANDAMUS ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

W.P. No. 1772/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13-7-2004 Shri N.K. Chatterjee, counsel for the petitioner. Shri A. K. Tiwari, Panel Lawyer for the State/respondents. Heard on admission. The petitioner has preferred this petition under Article 226/227 of the Constitution of India seeking relief that a writ in the nature of mandamus or other direction be issued to the respondents for rechecking of the answer sheets of the petitioner and further a writ in the nature of certiorari be issued for quashing the result of the petitioner. The case of the petitioner is that he appeared in Class-10th examination conducted by respondent No.1 Chhattisgarh Board of Secondary Education, Raipur in the month of February – March 2004. His Role Number was 12316318. It has been mentioned that the petitioner attempted to answer the required number of questions to the best of his knowledge. He was hurt to know about his result that he has been declared fail in three subjects i.e. English (General), Mathematics and Science. He requested Respondent No.1 for rechecking of the answer books by an expert and also for re-totaling of the marks, and for this purpose he deposited the required fees. In spite of the representation made by the petitioner nothing has been done. The petitioner worked hard to get good marks in the examination and in the half yearly examination conducted by the school he had secured gook marks. I have heard learned counsel for the parties.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(92)

आदेश पत्रक

मामला क्रमांक 1772/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

It is an admitted position that there is no provision of rechecking/revaluation of the answer sheets and only re-totalling of the numbers is provided. On the back of the mark-sheet it has been provided that under the regulations of the Board there is no provision for revaluation of the answer sheets. Therefore applications for revaluation would not be accepted. Since there is no regulation regarding revaluation of the answer sheets, therefore the respondent/Board is not entitled to revaluate the answer sheets.

The jurisdiction of this Court under Article 226 of the Constitution of India is an extra ordinary jurisdiction. The provision, if any, exists for revaluation of the answer sheets and the concerned authorities are not acceding the request of the petitioner for revaluation then the petitioner has a right to ask for revaluation. But where there is no provision regarding revaluation of the answer sheets in that case in order to seek the remedy under Article 226 of the Constitution of India the petitioner has to make out a strong and exceptional case to show that the evaluating person has committed an error which is apparent from the facts. That can be ascertained looking to the previous academic career of the petitioner. Looking to the previous academic career in the examination and the marks awarded to the petitioner go to show that some unusual thing has happened and the answer sheets of the petitioner has not been evaluated properly. In this light if we look into the petition of the petitioner, he has secured 41 in Hindi (Special), 22 in English (General), 50 in Sanskrit (General), 20 in Mathematics, 43 in Science and 60 in Social science out of 100 marks in each subjects. There is

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

23

आदेश पत्रक

मामला क्रमांक 1772/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित – 3 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

nothing on record, which go to make out an exceptional case to show that the petitioner had excellent academic career and he had ever obtained good marks in any of the Board Examinations. It seems that this was the first Board Examination of the petitioner.

A perusal of the petition reveals that the petitioner has not been able to make out an exceptional case, which shows that some unusual thing has happened with the petitioner. Therefore, I am on the opinion that the petitioner has not been able to make out a case to exercise the extraordinary jurisdiction vested in this Court. The petition fails and is dismissed.

In view of the above order I.A. No. 4195 of 2004 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये